United Nations HRI/CORE/SVK/2014

International Human Rights Instruments

Distr.: General
12 March 2014

Original: English

Common core document forming part of the reports of States parties

Slovakia*

[27 January 2014]

* The present document is being issued without formal editing.

GE.14-41602

1441602

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Introduction

1. The Slovak Republic was established on 1 January 1993 based on Constitutional Act No. 542/1992 Coll. on the Dissolution of the Czech and Slovak Federal Republic. Prior to its establishment the Declaration of the Slovak National Council on the Sovereignty of the Slovak Republic, declaring the sovereignty of the Slovak Republic on the basis of the internationally recognized natural right of nations to self-determination as the basis of a sovereign nation was adopted. Bratislava is the capital city. The currency is the euro.

2. The Slovak Republic is a landlocked country neighbouring the Czech Republic, Poland, Ukraine, Hungary and Austria. Slovakia is a country with a Christian tradition, the majority of the population (circa 62 per cent) declares to be of Roman Catholic denomination.

3. The geographic position of Slovakia and its historical development have significantly influenced the diversity of the ethnic structure of the population of Slovakia. The population of Slovakia is approximately 5.4 million. In accordance with the last census of the population, houses and flats in 2011, circa 652,000 persons declared a nationality other than Slovak and they declared their nationality to be one of the 13 national minorities (Hungarian, Roma, Czech, Ruthenian, Ukrainian, German, Moravian, Polish, Croatian, Bulgarian, Russian, Serbian and Jewish), representing circa 12 per cent of the total number of the population. During the census, the right of a person to declare their nationality, stated in the Slovak Constitution, was upheld.

4. In the creation of the Slovak Republic, particular attention was paid to providing co ·inuity and stability of the legal system as the essential prerequisite for the stability of State institutions and the observance of human rights. Constitutional laws, acts and other generally binding legal regulations remained in force after the dissolution of the Czech and Slovak Federal Republic insofar as they did not contradict the Constitution (art. 152, para. 1, of the Constitution of the Slovak Republic). All basic standards guaranteeing democracy, the rule of law, human rights and freedoms, including international conventions to which the Czech and Slovak Federal Republic was a party until its dissolution, have been re-enacted in the legal system of the Slovak Republic.

5. Since 19 January 1993 and with effect from 1 January 1993 the Slovak Republic has been a member of the United Nations. Slovakia is a State party to all key United Nations instruments adopted in the area of human rights: the International Covenant on Civil and Political Rights and its two Optional Protocols, the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Rights of the Child and its two substantive Optional Protocols on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

I. Land and people

6. This part contains basic statistical data related to the population, based on the Population and Housing Census 2011,[1] data from the Statistical Office of Slovakia for 2012 and data published by the National Bank of Slovakia.

1. Area	49 036 km^2
2. Total population	5 397 036
3. Population density	110.1 inhabitants per 1 km^2
4. Population by nationality[2]	80.651% Slovak (4 352 775) 8.495% Hungarian (458 467) 1.959% Roma (105 738) 0.620% Ruthenian (33 482) 0.563% Czech (30 367) 0.138% Ukrainian (7 430) 0.087% German (4 690) 0.061% Moravian (3 286) 0.057% Polish (3 084) 0.037% Russian (1 997) 0.019% Croatian (1 022) 0.0019% Bulgarian (1 051) 0.013% Serbian (698) 0.012% Jewish (631) 0.182 % Other (9 825) 7.087 % unknown (382 493)
5. Religion	62.0% Roman Catholic Church 5.9% Protestant Church of Augustine Affiliation 3.8% Greek Catholic Church 1.8% Reformed Christian Church 13.4% without religious affiliation
6. Population by gender	51.3% women 48.7% men
7. Age structure of the population	15.3% pre-productive age 72.0% productive age (women – 49.9%, men – 50.1%) 12.7% post-productive age (women – 62.4%, men – 37.6%)
8. Economically active persons	48.7% (2 630 052) (women – 45.9%, men – 54.1%)
9. Proportion of the productive inhabitants in the population	72.0%
10. Mortality per 1 000 inhabitants	9.7%
11. Urban population Rural population	54.4% 45.6%
12. Mortality rate at birth	0%
13. Gross domestic product	€71 463 million

[1] http://portal.statistics.sk/showdoc.do?docid=44035.
[2] Information provided by the Statistical Office of Slovakia.

14. Inflation rate	3.6%
15. Foreign debt 2012	US$ 70.9 billion
Foreign debt per capita	US$ 13 132
16. Unemployment rate 2012	14%

Administrative and territorial division – higher territorial units

7. Under Act No. 302/2001 Coll. on Self-Government of Higher Territorial Units, the territory of the Slovak Republic is divided into eight self-governing regions, independent territorial self-governing and administrative units. A self-governing region is a legal entity administering its own property and its own income, guaranteeing and protecting the rights and interests of its inhabitants under conditions stipulated by law. A self-governing region may be given duties and restrictions in matters concerning territorial self-government only by law or on the basis of an international treaty. The bodies of a self-governing region are the Parliament of the self-governing region and the Chairman of the self-governing region.

8. In administering their areas of competence, self-governing regions cooperate with State authorities, other self-governing regions, municipalities and other legal entities. Some tasks of the State administration may be transferred to a self-governing region by law. The self-governing region can cooperate with territorial and administrative units or authorities of other countries performing regional functions, within the scope of its competence. It has the right to become a member of an international association of territorial entities or territorial bodies.

9. In matters of territorial self-government the self-governing regions may issue generally binding by-laws. In matters where the self-governing region performs the tasks of State administration, it may issue by-laws only on the basis of its authorization by law and within the law.

II. General political structure

10. The Slovak Republic is a sovereign, democratic State with the rule of law within the meaning of article 1, paragraph 1, of the Constitution of the Slovak Republic. It is bound to no ideology or religion. Within the meaning of article 2, paragraph 1, of the Constitution of the Slovak Republic, the State power derives from the citizens, who shall exercise it through their elected representatives or directly. Under the Constitution everyone may do what is not forbidden by law and no one may be forced to do what the law does not enjoin.

A. The legislative power

1. The National Council of the Slovak Republic

11. The National Council of the Slovak Republic (hereinafter "Parliament") is the sole constitutional and legislative body of the Slovak Republic. It consists of 150 Members of Parliament elected for a four-year period. They exercise their mandates individually and according to their best conscience and conviction, and they are bound by no orders.

12. The minimum age of eligibility for election to the Slovak Parliament is 21 years. The Members of Parliament are elected by secret ballot in general, equal and direct elections. Holding the office of Member of Parliament is incompatible with holding the office of judge, prosecutor, ombudsman, member of the armed forces, member in the armed corps and a Member of the European Parliament.

13. The sessions of the Parliament are open to the public. Closed meetings may be held only in cases laid down by the law or when so decided by a three-fifths majority of all Members of Parliament. A chairman and deputy chairman govern and organize the operations of the Parliament. The Parliament has a quorum if more than half of all Members of Parliament are present, unless stated otherwise in the Constitution.

14. The competence of the Slovak Parliament includes mainly:

- Adopting the Constitution, constitutional laws and other laws and to supervise their implementation
- Deciding on a proposal for declaring referendums
- Before ratification, to approve international treaties on human rights and fundamental freedoms, international political treaties, international treaties of a military nature, international treaties from which the membership of the Slovak Republic in an international organization arises, general international economic treaties, international treaties the implementation of which requires a law, and international treaties which directly confer rights or impose duties on natural persons or legal entities, and at the same time to decide whether they are international treaties under article 7, paragraph 5, of the Constitution
- Legally establishing ministries and other bodies of State administration
- Debating on the Programme Declaration of the Government, to monitor the activities of the Government, as well as to debate on votes of confidence on the Government or its individual members
- Approving the State budget, monitoring compliance and approving the final State budgetary accounts
- Debating basic issues of domestic, international, economic, social and other policy
- Electing and removing the Chairman and Deputy Chairman of the Supreme Audit Office of the Slovak Republic and three members of the Judiciary Council
- Resolving to declare war in the event of an attack on the Slovak Republic or when it emanates from obligations under international treaties on joint defence against attack, and after the end of war, to conclude the peace
- Giving consent to deploying the armed forces outside the territory of the Slovak Republic, save in cases under article 119 (p) of the Constitution[3]
- Approving the presence of foreign military forces on the territory of the Slovak Republic.

15. Within the Parliament, Members work in various committees. The National Council Committee for Human Rights and National Minorities addresses human rights issues.

[3] Article 119 (p) of the Constitution: "The Government decides on sending armed forces to locations outside the territory of the Slovak Republic if it emanates from obligations under international treaties on joint defence against attack, for a period not lasting more than 60 days, the Government immediately informs the National Council of the Slovak Republic of such a decision."

B. The executive power

1. The President of the Slovak Republic

16. The Head of the Slovak Republic is the President. The President represents the Slovak Republic externally and internally and they ensure the regular operation of constitutional bodies via their decisions. The President is elected by the citizens of the Slovak Republic for a period of five years by secret ballot in direct elections. Any citizen of the Slovak Republic eligible to be elected to the Parliament being at least 40 on the day of elections can be elected President. The same person may be elected President for not more than two consecutive terms.

17. The most important powers of the President include:

- Representing the Slovak Republic externally
- Negotiating and ratifying international treaties
- The right to submit to the Constitutional Court a motion to decide on the conformity of a negotiated international treaty, which requires consent by the Parliament, with the Constitution or with constitutional law
- Receiving, appointing and recalling heads of diplomatic missions
- Convening the opening session of Parliament
- The right to dissolve Parliament under the conditions stated in article 102, paragraph 1 (e), of the Constitution
- Signing laws
- Appointing and removing the Prime Minister and other members of the Government, authorizing them with direction of ministries and accepting their resignation
- Appointing and recalling principal officials of central bodies and higher State officials, and other officials in cases laid down by a law
- Appointing and recalling rectors of universities and university professors
- Appointing and promoting generals
- Conferring decorations, unless another authority has been delegated by the President to do so
- Remitting and mitigating sentences imposed by criminal courts in criminal proceedings
- Expunging sentences in the form of individual pardon or amnesty
- Declaring referendums
- The right to return an act to Parliament with comments up to 15 days from the delivery of an adopted act
- The right to request from the Government of the Slovak Republic and its members the information necessary for the accomplishment of the tasks of the President
- Appointing and removing judges, the President and the Vice-President of the Constitutional Court and accepting the oath of the General Prosecutor
- Appointing and removing judges, the President and the Vice-President of the Supreme Court, the General Prosecutor and three members of the Judiciary Council.

- Accepting the oath of judges.

18. The President is also the supreme commander of the armed forces; they declare war on the basis of a decision by the Parliament when the Slovak Republic is attacked or when it results from obligations under international treaties on common defence against attack, and the President concludes peace. Upon a proposal by the Government, the President may order the mobilization of the armed forces, declare a state of war or a state of emergency and their termination.

19. The President presents a report to Parliament on the state of the Slovak Republic and on major political affairs.

2. The Government of the Slovak Republic

20. The Government of the Slovak Republic (hereinafter "Government") is the supreme body of the executive power. It is composed of the Prime Minister, deputy prime ministers and ministers. The Government reports directly to Parliament regarding the exercising of its functions and the Parliament may make a no-confidence vote any time.

21. The Government is a collective body and its most important powers include deciding on draft laws, regulations of the Government, the programme of the Government and its fulfilment, fundamental measures to ensure the economic and social policy of the country, the draft State budget and the final State budgetary accounts.

22. The Government also decides on fundamental issues of domestic and foreign policy, on submitting draft laws or other important measures to public discussion, on requesting a confidence vote, on granting amnesty in cases of offences, on appointing and removing other State officials in cases stated by law and three members of the Judiciary Council of the Slovak Republic. The Government decides on a proposal to declare a state of war, to order the mobilization of the armed forces, to declare a state of exception and to end it, to declare a state of emergency and to end it, to send the armed forces outside the territory of the Slovak Republic to give humanitarian aid, for military exercises or peace-monitoring missions, on consent to the presence of foreign armed forces in the territory of the Slovak Republic, on consent to the transit through the territory of the Slovak Republic of foreign armed forces, on deploying the armed forces outside the territory of Slovakia to fulfil obligations resulting from international treaties on common defence against attack for a period not longer than 60 days; the Government immediately informs Parliament of such decisions.

23. In accordance with the Constitution, the Government also decides on international treaties of the Slovak Republic when the President of the Slovak Republic has transferred their negotiation to the Government, on consent to the transfer of the negotiation of international treaties to individual members pursuant to article 102, paragraph 1 (a), of the Constitution, and on lodging a petition with the Constitutional Court for a decision on the conformity of a negotiated international treaty, which requires the consent of Parliament, with the Constitution and constitutional laws.

C. The judicial power

1. The courts

24. The judicial power in the Slovak Republic is executed by general courts and a special court, which is the Constitutional Court. The general courts system consists of 54 district courts, eight regional courts, the Supreme Court and the Specialized Criminal Court. The judiciary is two-levelled and is executed separately from other State bodies by independent and impartial courts.

25. The general courts decide in civil and criminal matters. They also act and decide on prosecutions or corrective measures against decisions, interventions and other measures or regarding inactivity in the area of public administration; they decide on the lawfulness of decisions and procedures of bodies of public power and the protection against unlawful actions or measures by bodies of public power, in electoral matters, in referendum matters and matters related to political parties and movements.[4] They also decide on other matters stated by law, the legally binding Act of European Communities and the European Union or international treaties to which the Slovak Republic is party.[5] They decide in chambers if the law does not state that only one judge or chamber chairman may decide on a matter.[6]

26. Holding the office of judge is incompatible with a post in any other public authority body, with a State service relationship, with an employment or a similar labour relationship, with an entrepreneurial activity, with a membership in the governing or control body of a legal entity which performs an entrepreneurial activity or with other economic or gainful activity other than the administration of their own property or scientific, pedagogical, literary or artistic activity, and with membership in the Judiciary Council of the Slovak Republic. Judges cannot be members of a political party or a political movement.[7]

27. In compliance with valid legal regulations, when exercising their offices judges are independent and only bound by the Constitution, constitutional laws, laws and international treaties in accordance with article 7, paragraphs 2 and 5, of the Constitution and the Constitutional Court under the conditions stated by law and an opinion by a higher level court.[8] The Act on courts and associated judges states the level of immunity and the conditions for criminal proceedings against judges and associated judges. A judge or associated judge must not be prosecuted for their decision-making even after ceasing their function. An associated judge may only be prosecuted or imprisoned for acts performed in the courts of their judicial function or in relation to this function with the consent of the Judiciary Council.[9]

28. Judges are appointed and removed by the President upon the proposals submitted by the Judiciary Council. Judges are appointed without any time limitations. A citizen of the Slovak Republic who is eligible for election to the Parliament, has attained the age of 30 years and has a university education in law may be appointed a judge. The President appoints the President and Vice-President of the Supreme Court from the Supreme Court judges for a period of five years following a proposal by the Judiciary Council. The same person may be appointed President and Vice-President of the Supreme Court for not more than two consecutive periods.

29. The Judiciary Council consists of 18 members (the President of the Supreme Court who is, at the same time, the President of the Judiciary Council, eight members elected and removed by the judges and three members are elected to the Judiciary Council by the Parliament, the President of the Slovak Republic and the Government of the Slovak Republic).[10] A member of the Judiciary Council may only be a person who is morally irreproachable, has university education in law and has at least 15 years' experience in specialist practice.[11] The term of office of the members of the Judiciary Council is five

[4] §2, para. 1, item (c), of Act No. 757/2004 Coll. on the courts as amended.
[5] §2, para. 1, item (d), of Act No. 757/2004 Coll. on the courts as amended.
[6] §11, para. 3, of Act No. 757/2004 Coll. on the courts as amended.
[7] §23 of Act No. 757/2004 Coll. on the courts as amended.
[8] §3, para. 2, of Act No. 385/2000 Coll. on the courts as amended.
[9] §29a, para. 2, of Act No. 757/2004 Coll. on the courts as amended.
[10] Art. 141a, para. 1, of the Constitution.
[11] Art. 141a, para. 2, of the Constitution.

years and the same person may be re-elected or appointed for not more than two consecutive periods.[12] An approval by the majority of all its members is needed to have its resolution adopted.

30. The competence of the Judiciary Council includes:

- Submitting to the President proposals for candidates for appointment as judges and proposals for the removal of judges
- Deciding on judges' assignments and transfers
- Submitting proposals to the President for the appointments of the President and Vice-President of the Supreme Court and proposals for their removal
- Submitting to the Government of the Slovak Republic proposals for judges to act on behalf of the Slovak Republic in international judicial bodies
- Electing and removing members of the disciplinary chambers and electing and removing their presidents
- Presenting comments on the draft budget of the courts when the State budget is being drafted
- Other competencies when the law so provides.[13]

31. In accordance with article 147 of the Constitution the President of the Slovak Republic removes a judge, or has an obligation to remove a judge upon a proposal of the Judiciary Council:

- Based on a lawful sentence for a wilful criminal offence, or
- When the judge has been convicted of a criminal offence and the court did not decide upon probationary suspension of the prison sentence
- Based on a decision by a disciplinary chamber for an activity which is incompatible with the discharge of the functions of a judge
- When their eligibility for election to the Parliament has terminated.

32. Under article 147, paragraph 2, of the Constitution, the President may remove a judge if their long-term health condition does not, for at least one year, allow them to perform their duties as a judge, or they have reached the age of 65 years. In compliance with article 146 of the Slovak Constitution, a judge may resign from his/her function via a written notice to the President of the Slovak Republic. The Judiciary Council may only transfer a judge to another court with his/her consent, upon his/her application or based on a decision by a disciplinary chamber. A judge may only be transferred to a vacant judge's position determined by the Minister pursuant to a special act. The Judiciary Council shall inform the Minister of the transfer of a judge within three days from the transfer of the judge to another court.

33. The management and administration of courts is carried out by the President in accordance with Act No. 757/2004 Coll. on the courts. The President of the Court (excluding the President of the Supreme Court) is appointed for a period of three years by the Minister from judges based on the results of selection proceedings.

[12] Art. 141a, para. 3, of the Constitution.
[13] Art. 141a, para. 4, of the Constitution.

2. The Constitutional Court of the Slovak Republic

34. The Constitutional Court of the Slovak Republic (hereinafter the "Constitutional Court") is the judicial body vested with the protection of constitutionality. The Constitutional Court is composed of 13 judges appointed for a period of 12 years by the President upon a proposal by the Parliament. A citizen of the Slovak Republic eligible to be elected to the Parliament, who is at least 40 years of age and has an education in law at an institution of higher learning and at least 15 years of practice in a legal profession, can be appointed a judge of the Constitutional Court. The same person cannot be repeatedly appointed a judge of the Constitutional Court.[14]

35. A judge of the Constitutional Court cannot be a member of a political party or a political movement. Judges of the Constitutional Court perform their office as an occupation. Holding this office is incompatible with holding an office in another body of public power, the civil service, employment or similar labour relationship, business, membership in a governing or supervisory body of a legal entity pursuing business or other economic or gainful activity except for the administration of their own property or a scientific, teaching, literary or artistic activity.[15]

36. The Constitutional Court decides:

- On the conformity of laws with the Constitution, constitutional laws and international treaties to which the Parliament expressed its assent and which were ratified and promulgated in a manner laid down by law
- On the conformity of negotiated international treaties that need the assent of the Parliament with the Constitution or constitutional laws
- On the conformity of government regulations, generally binding regulations of ministries and other central State administration bodies with the Constitution, with constitutional laws, with international treaties to which the Parliament expressed its assent and which were ratified and promulgated in the manner laid down by a law, and with laws
- On the conformity of generally binding by-laws of municipalities and higher territorial units issued in matters concerning territorial self-government and to ensure the tasks of self-government resulting from the law, with the Constitution, with constitutional laws, with international treaties approved by the Parliament and ratified and promulgated in the manner laid down by law and with laws, save that another court shall decide on them,
- On the conformity of generally binding regulations of local bodies of State administration and generally binding by-laws of the bodies of territorial self-government pursuant to the Constitution, with constitutional laws, with international treaties promulgated in the manner laid down by law, with laws, with government regulations and with generally binding regulations of ministries and other central State administration bodies, unless another court decides otherwise on them[16]
- On the conformity of the matter of a referendum to be declared on the basis of a petition by citizens or a resolution by the Slovak Parliament under article 95, paragraph 1, of the Constitution with the Constitution or constitutional laws[17]

[14] Art. 134, para. 2-3, of the Constitution.
[15] Art. 137, para. 2, of the Constitution.
[16] Art. 125, para. 1, items (a) and (d), of the Constitution.
[17] Art. 125b of the Constitution.

- Jurisdictional disputes between central bodies of the State administration, unless the law stipulates that decisions in such disputes shall be made by another State body[18]
- On complaints of natural persons or legal entities when they object to infringement of their fundamental rights or freedoms, or human rights and fundamental freedoms resulting from an international treaty ratified by the Slovak Republic and promulgated in the manner laid down by a law, unless another court shall decide on the protection of these rights and freedoms[19]
- On complaints of bodies of territorial self-government against unconstitutional or unlawful decisions or against other unconstitutional or unlawful interventions in matters of self-government, unless another court shall decide on the matter.[20]

37. The Constitutional Court interprets the Constitution or constitutional laws in contentious matters.[21] At the same time, it also decides on complaints objecting to verification or non-verification of the mandate of a member of Parliament, on the constitutionality and lawfulness of the elections for President of the Slovak Republic, parliamentary elections, elections to the territorial self-government bodies and elections to the European Parliament, complaints objecting to the results of referendums and public votes on recalling the President of the Slovak Republic, and whether decisions to dissolve or suspend the activity of a political party or political movement are in compliance with constitutional and other laws.[22]

38. The Constitutional Court decides on impeachment of the President of the Slovak Republic by the Parliament in cases of intentional breach of the Constitution or treason. The Constitutional Court also decides on conformity with the Constitution or constitutional laws of a decision to declare a state of exception or state of emergency and other decisions resulting from it.[23]

III. Legal structure for the protection of human rights

39. Fundamental rights and freedoms in the Slovak Republic enjoy constitutional protection. The most important legal document providing for fundamental human rights and freedoms is the Constitution of the Slovak Republic (Constitutional Act No. 460/1992 Coll. as amended).

40. Constitutional rights and freedoms stipulated in the Constitution are based on the Charter of Fundamental Rights and Freedoms implemented with Constitutional Act No. 23/1991 Coll. of the Federal Assembly of the Czech and Slovak Federal Republic. General provisions of the Constitution establish equal status of all persons in dignity and rights, in particular in article 12, paragraphs 1-2, providing: "All human beings are free and equal in dignity and in rights. Fundamental rights and freedoms cannot be denied, alienated, proscribed or ablated. In the territory of the Slovak Republic fundamental rights and freedoms are guaranteed to everyone regardless of their gender, race, colour, language, faith, religion, political or other conviction, national or social origin, membership of a national or ethnic group, property, descent or other status. No one shall be aggrieved, discriminated against or favoured on any of these grounds." This provision provides a

[18] Art. 126 of the Constitution.
[19] Art. 127 of the Constitution.
[20] Art. 127a of the Constitution.
[21] Art. 128 of the Constitution.
[22] Art. 129, paras. 2-4, of the Constitution.
[23] Art. 129, paras. 5-6, of the Constitution.

positive enumeration of grounds on which persons may not be discriminated against and/or ensures the equal status of all persons. The Constitution further determines that the scope of fundamental rights and freedoms can be regulated by law under conditions given by the Constitution. Legal restrictions imposed on fundamental rights and freedoms apply to all cases complying with the determined conditions, i.e. to everyone without any differentiation.

41. Fundamental human rights and freedoms granted in the Constitution apply to everyone, unless under article 52 of the Constitution they are granted only to the citizens of the Slovak Republic. This is only related to rights related to the creation of State power which is only granted to Slovak citizens. This article also states that the term "citizen" used in all legal provisions so far shall be understood to be any person when it concerns the rights and freedoms granted by this Constitution, regardless of citizenship.

42. The limits of fundamental rights and freedoms can be regulated only by an act under the conditions stipulated by the Constitution. Legal restrictions on fundamental rights and freedoms must apply equally to all cases complying with the determined conditions. When limiting fundamental rights and freedoms their essence and purpose should be taken into account. These restrictions may be used only for the stipulated purpose.

A. Constitutional protection of human rights and fundamental freedoms

43. The Constitution mainly guarantees the following fundamental rights and freedoms:

- **Fundamental human rights and freedoms** – the right to life, prohibition of the death penalty, inviolability of the person and his/her privacy, the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, personal freedom, the maximum period for a judge to decide on detention/release of an accused or suspect of 48 hours after arrest, and in especially serious criminal offences 72 hours, a person charged with a criminal offence may be arrested only on legal grounds and for the period of time stipulated by law and based on a court decision, a person may be received into institutional health care or kept in institutional health care only in cases stipulated by law, the mental condition of an accused person may only be examined on the basis of a written court order, the prohibition of forced labour or forced service, the right to maintain one's human dignity, good repute and to have one's name protected, the right to protection against unjustified interference with private and family life, the right to protection against unjustified collection, disclosure and/or abuse of data about one's person, ownership rights, secrecy of correspondence, secrecy of transported information and other documents and protection of personal data, freedom of movement and stay, freedom of thought, religious confession or faith, prohibition of forcing to perform military service in case of conscience and/or religious objections
- **Political rights** – freedom of expression and the right to information, the press is not subject to a permission procedure, prohibition of censorship, the right to assemble, the right to participate in the administration of public affairs
- **Rights of national minorities and ethnic groups** – the right to develop their own culture, the right to receive and disseminate information in the mother tongue, the right to associate in national associations, the right to establish and keep educational and cultural institutions, the right to education in their language, the right to use their language in official communications, the right to participate in tackling issues concerning national minorities and ethnic groups

- **Economic, social and cultural rights** – the right to free choice of profession and training for it and also the right to pursue a business and to carry out other gainful activity, the right to work, the right to adequate material welfare of citizens when they cannot work for reasons beyond their control, the right of employees to fair and satisfactory working conditions, in particular the right to wages for performed work, protection from arbitrary dismissal and discrimination at work, protection of health and safety at work, the setting of maximum working hours, adequate rest after work, the minimum admissible length of paid vacation, the right to collective bargaining, the right to free association with others to protect one's economic and social interests, the right to strike, the right to adequate old age and work disability, material security and also material security in case of loss of the breadwinner, the right to health protection, citizens' right to free health care and medical aids based on health insurance, protection of marriage, parenthood and family, special care of children born inside or outside marriage, special care of pregnant women, equal rights for children born inside or outside marriage and the rights of parents caring for children to State aid, the right to education, the protection of the freedom of scientific research and of the arts and the results of creative thought
- **Right to the protection of the environment and cultural heritage** – the right to a favourable environment, the right to early and complete information about the environmental situation and about the reasons and consequences thereof
- **Right to judicial and other legal protection** – the right to claim one's rights before an independent and impartial court and/or other body of the Slovak Republic, the right to have the lawfulness of a decision by a public administration body reviewed by a court, the right to compensation for damage caused by an unlawful decision of a court, other State authority or public administration body or a wrong official procedure, the right to refuse to make statements against oneself or close persons in case of threat of criminal prosecution, the right to legal assistance in proceedings before a court, other State authority or public administration body from the commencement of the proceedings, equality of the parties to the proceedings, the right to an interpreter, the right to a lawful judge, the right to a public hearing of the case without undue delay and in the presence of the accused person, lawful criminal prosecution, the right to express oneself with regard to all taken evidence, the right of the accused to a defence, the right of the accused to deny statements, a ban on retroactivity, the principle of *non bis in idem*, presumption of innocence.

B. The inclusion of international treaties on human rights and fundamental freedoms into national legislation

44. In compliance with article 154c, paragraph 1, of the Constitution, continuity of application of adopted international human rights and fundamental freedoms treaties ratified by the Slovak Republic and promulgated in the manner provided for by law before 1 July 2001 has been ensured. These continue to be a part of its legal system and they have priority over a law when they ensure a broader scope of constitutional rights and freedoms. Essentially, the Slovak Republic succeeded to most key international conventions after the dissolution of the former Czech and Slovak Federal Republic and became a State party to them.

45. Based on article 7, paragraph 5, of the Constitution of the Slovak Republic, international treaties on human rights and fundamental freedoms, international treaties which do not require a law to be executed and international treaties which directly establish the rights or duties of physical or legal entities and which were ratified and declared using a

method stated in law prevail over the laws of the Slovak Republic and in the hierarchy of legal standards, they are placed between the Constitution and constitutional law and laws.

46. The President or the Government may lodge a motion for a decision on the conformity of such negotiated international treaties with the Constitution or constitutional laws with the Constitutional Court before presenting the negotiated treaty for debate to the Parliament. This is the so-called preventive constitutionality check, the purpose of which is to avoid potential contradictions or conflicts between the application of national law and the provisions of an international treaty.

C. Exercising rights stipulated in international treaties on human rights and fundamental freedoms before national courts

47. Under article 7, paragraph 5, of the Constitution, international human rights treaties as such are a part of the national legal system and a binding source of law for national entities if they were ratified and promulgated in the manner provided for by law. On the basis of this provision of the Constitution international human rights treaties have been incorporated into the national legal system. This means that the citizens of the Slovak Republic have the possibility to invoke the rights stipulated in these treaties directly and national authorities have the obligation to apply them directly. In the Slovak legal system international human rights treaties that are a part of the Slovak legal system have a supra-legislative power, i.e. they are placed somewhere between constitutional laws and the laws over which they take priority. If the constitutional rights and freedoms and/or human rights and freedoms stipulated in an international treaty on human rights and freedoms that is a part of the Slovak legal system are not respected in practice or are violated, e.g. by wrong application of a legal provision, it would be possible to invoke the right to judicial and other legal protection in the meaning of article 46 of the Constitution.

D. Judicial, administrative and other authorized bodies with competence in the field of human rights

1. The Prosecutor

48. The role of the prosecution authority is to protect the rights and interests of natural persons, legal entities and the State protected by law. Under Act No. 153/2001 Coll. on the Prosecution Authority (hereinafter the "Prosecution Authority Act") the Prosecution Authority has the obligation to take measures in the public interest to prevent violations of lawfulness, to determine and remove violations of lawfulness, to restore violated rights and to attribute responsibility for the violations. When exercising its competence it has the obligation to make use of all legal means to ensure consistent, effective and timely protection of rights and interests protected by law of natural persons, legal entities and the State.

49. Organizationally, the Prosecution Authority is an independent hierarchic single system of State bodies in which prosecutors act on the principle of subordination and superiority; however, subordinate prosecutors do not need to obey an instruction from a subordinate prosecutor if they consider it to be in contradiction with a legal regulation or their legal opinion. The Prosecution Authority is composed of: the General Prosecution Office a separate part of which is the Office of Special Prosecution, regional prosecution offices and district prosecution offices. The Prosecutor General directs the activities of prosecution offices. The President of the Slovak Republic appoints and removes the Prosecutor General upon a proposal by the Parliament.

50. Prosecutors commence prosecution against persons suspected of committing crimes, oversee observance of the lawfulness of pretrial procedures and in places where persons deprived of personal liberty or persons who have their personal freedom restricted on the basis of a court or other competent State authority decision are detained. Prosecutors also exercise their competence in proceedings before courts, they represent the State in proceedings before courts when a special law so provides and they oversee the observance of lawfulness by public administration bodies to the extent provided for in the Prosecution Authority Act. They participate in the preparation and execution of preventive measures to prevent violations of laws and other generally binding regulations and also in removing the causes of and conditions for crime, in preventing and fighting crime and in the drafting of legislation. Prosecutors also perform other tasks if a special law or international treaty promulgated in the manner stipulated by law so provides.[24]

51. In criminal proceedings, the prosecutor mainly oversees the lawfulness in pretrial proceedings, including enforcing the rights of the victim, lodges indictments and represents the indicted as a party before the court.

52. In civil proceedings the prosecutor is authorized, if so provided by law, to file a motion to open civil court proceedings, to enter opened civil court proceedings, to represent the State before the court, and to file appeals against a decision in civil court proceedings.[25]

53. Prosecutors also oversee the observance of laws and of other generally binding regulations by public administration bodies to the extent provided for by law by filing a prosecutor's protest, a prosecutor's notice and a motion to open proceedings before a court according to special laws. A General Prosecutor's petition to open proceedings on compliance of legal provisions before the Constitutional Court is also a legal means of overseeing the observance of laws and of other generally binding regulations by public administration bodies. In compliance with §13, paragraph 1, of the Prosecution Authority Act, the General Prosecutor is authorized to lodge a motion for the commencement of proceedings regarding the interpretation of constitutional laws; if the matter is disputable, they are authorized to lodge a claim that parliamentary elections or elections to the bodies of territorial self-government contravene the Constitution or the lawfulness of elections, or against the results of elections, claim that the election or removal of a President contravenes the Constitution or law, claim against the results of a referendum or public elections on the removal of a President, lodge a motion for investigating a decision regarding the dissolution or suspension of the activities of a political party or political movement.

2. General courts

54. Article 47, paragraph 3, of the Constitution guarantees equality of status of all parties to the proceedings before courts, other State bodies or public administration bodies from the commencement of the proceedings. The principle of equality of parties to the proceedings is again regulated in article 7, paragraph 1, of Act No. 757/2004 Coll. on the courts as amended and in the Civil Procedure Code. The principle of equality of parties to the proceedings is also consistently applied in criminal proceedings.

55. Article 48, paragraph 2, of the Constitution states that every person has the right to have their case heard in public without undue delay and in their presence and to have an opportunity to present opinions on the evidence taken. Under the provisions of the Criminal Procedure Code the public may only be excluded from main trial and public hearings on appeal when a public hearing would present a threat to secrecy protected under a special

[24] §4 of Act No. 153/2001 Coll. on the Prosecution Authority.

[25] §19 of Act No. 153/2001 Coll. on the Prosecution Authority.

law, disturb the proceedings, or the moral or security or other important interests of witnesses.

56. In article 142, paragraph 3, the Constitution stipulates that "judgements are rendered in the name of the Slovak Republic and always in public".

2.1 *Civil matters*

57. Only courts are competent to protect relationships falling under civil law. The basic formal source of civil procedural law is Act No. 99/1963 Coll., the Civil Procedure Code, as amended (hereinafter the "Civil Procedure Code"). The Civil Procedure Code stipulates the rules of procedure for the court and the parties to civil court proceedings in such a way that fair protection of the rights and justified interests of all parties to the proceedings is ensured. Everyone who claims that their rights have been put in jeopardy or violated has the right to seek protection before a court and, thus, can lodge a motion with the court to seek rectification of the illegal situation in compliance with the provisions of the Civil Procedure Code.

58. The right to judicial protection is typically enforced with a motion to open proceedings. In general, the level of effectiveness in claiming judicial protection of a subjective right in civil proceedings is determined by the fact that it is a violation of or threat to a right falling under civil law and its protection falls under the competence of a court. Under §79, paragraph 1, of the Civil Procedure Code the proceedings start with a motion, which must satisfy the requirements prescribed by law. Proceedings are open as of the day the court receives the motion to open proceedings or when a resolution is issued that proceedings shall start without a motion. The motion is filed with the court that has substantive and territorial jurisdiction. The competence for proceedings in the first instance is, as a matter of principle, with the competent district court. Regional courts decide as courts of first instance only in enumerated cases.

59. Provisions of the Civil Procedure Code regulate the conditions under which a regular remedy or extraordinary remedy against a ruling may be filed. A regular remedy – appeal – is filed against a ruling of the court that has not become final provided it is not excluded by law. In cases where the first instance court was a regional court, regional courts or the Supreme Court act as appeal courts. The decision by the court of second instance is final and there is no remedy available for challenging it. Under conditions complying with the requirements of the law, such a decision may be challenged with extraordinary remedies, which are appellate review, reopening of proceedings and extraordinary appellate review. Perties may challenge a final decision by an appellate court with an appellate review provided it is admissible under the law. The Prosecutor General files an extraordinary appellate review on the basis of a petition by a party to the proceedings, i.e. a person who is affected by a court decision or a person damaged by the decision of the court, when the Prosecutor General finds that a final decision of the court violates the law and when protection of rights and interests protected by law of natural persons, legal entities and the State makes it necessary and this protection cannot be achieved by other legal means. A served judgement that cannot be challenged with an appeal is final and its verdict is binding for the parties and all bodies. A motion to reopen proceedings as an extraordinary remedy can be made use of only in cases enumerated by law.[26]

[26] A motion to reopen proceedings may be submitted if:
(a) There are facts, decisions or evidence which could not be used in the original proceedings for reasons not the fault of the party to the proceedings, if such facts may result in a more favourable decision in the matter; or

2.2 *Administrative matters*

60. The Constitution stipulates that any person who alleges that his or her rights have been violated by a decision of a public administration body may file a motion with the court to have the lawfulness of the decision reviewed, unless otherwise provided by a law. However, review of decisions concerning fundamental rights and freedoms may not be excluded from the competence of the courts. Article 142, paragraph 1, of the Constitution states that the courts also review the lawfulness of decisions made by bodies of public administration and the lawfulness of decisions, measures or other interventions by bodies of public power, if the law so provides. This area is regulated in the Civil Procedure Code under administrative judiciary.

61. In administrative judiciary, on the basis of complaints or appeals, the courts review the lawfulness of decisions made by bodies of public administration, State administration, territorial self-government and bodies of self-government and other legal entities insofar as the law vests them with decision-making on rights and duties of natural persons and legal entities in public administration. Decisions made by administrative bodies are decisions issued by them in administrative proceedings and also other decisions that give rise to, change or cancel entitlements and obligations of natural persons or legal entities. Regional courts have the substantive competence to review such decisions and in cases enumerated by law it is the Supreme Court of the Slovak Republic.[27] District courts review decisions on offences.

2.3 *Criminal matters*

62. Act No. 301/2005 Coll., the Criminal Procedure Code as amended (hereinafter "Criminal Procedure Code"), regulates the procedures of criminal proceedings. Under §2, paragraph 1, of the Criminal Procedure Code, no one can be prosecuted as the accused on other than legal grounds and in any other manner than that provided for under this law. The principle of prosecution on legal grounds only ensues from the wording of article 17, paragraph 2, of the Constitution. Act No. 300/2005 Coll., the Penal Code, as amended, stipulates the characteristics of crimes and the categories of sentences.

63. Criminal prosecution before a court is possible only on the basis of an indictment filed by the prosecutor. The prosecutor has the obligation to prosecute all crimes he learns of; exceptions are admissible only according to the law or under a promulgated international treaty. The principle of presumption of innocence, according to which any person against whom criminal proceedings are opened should be presumed innocent until proved guilty by a final condemning judgement of a court, is strictly observed. Under §34, paragraph 4, of the Criminal Procedure Code, the person against whom criminal proceedings are held must be informed of their rights, including the significance of confession and give them the possibility to fully exercise them. An accused without sufficient financial means to pay for a defence has the right to a defence free of charge or a defence at a reduced charge.

64. Based on §15 of the Criminal Procedure Code, first instance proceedings are held before district courts unless the law states otherwise. In first instance proceedings, a district court in the jurisdiction of the regional court holds proceedings related to an exceptionally

(b) If it is possible to submit evidence which could not be submitted in the original proceedings, if such evidence may result in a more favourable decision in the matter; or

(c) If a judgement against the party was a result of a criminal act of the judge.

[27] §246, para. 2, of the Civil Procedure Code.

serious crime for which the law states a sentence of at least 12 years, or if the crime was committed by an organized group, a criminal group or a terrorist group.[28]

65. The criminal justice agencies act ex officio unless the Criminal Procedure Code provides otherwise. They must handle criminal cases in the speediest possible way and they must consistently observe the civil rights guaranteed by the Constitution. They act in such a way as to have the facts of the case duly established to the extent necessary for their decision-making. They give the same attention to clarifying circumstances against the accused as to circumstances in the accused's favour, and they take evidence from both sides without waiting for motions by the parties. The accused's confession does not relieve the bodies active in criminal proceedings of their obligation to investigate all circumstances of the case. After completion of preliminary proceedings, depending upon the results, the prosecutor passes the matter to another appropriate body, halts the criminal proceedings, conditionally halts the criminal proceedings, decides about the approval of settlement and halts the criminal proceedings, adjourns the criminal proceedings, commences plea bargaining proceedings or submits an indictment to the court.[29]

66. Proceedings before the courts are verbal and public. During the main trial and public hearings, the public may only be excluded in cases explicitly stipulated in the Criminal Procedure Code.

67. Within the meaning of the provisions of §278, paragraph 1, of the Criminal Procedure Code the court can only decide on the act identified in the points of the indictment. Under §278, paragraph 2, the court may only take into account the facts that were presented at the main trial in its decision and only consider evidence taken during the main trial. The court is not bound by the legal opinion on the crime presented in the indictment. The court decides either in the form of a judgement or in the form of a penal order where the law explicitly so provides; in other cases the court decides in the form of a resolution provided the law does not stipulate otherwise.

68. An appeal is the remedy against a decision of a court of first instance. An appeal is filed with the court whose decision is being appealed within fifteen days from the delivery of the copy of the judgement. An appeal has a suspensive effect. A complaint is an appeal against a resolution. A complaint only has a suspensive effect where explicitly stated by law (§185, para. 6, of the Criminal Procedure Code). It is filed with the body whose resolution is complained of within three days from the notification of the resolution, with the exception of a complaint against a resolution on not taking into custody which is lodged immediately after notification of the resolution (§83, para. 2; Criminal Procedure Code). The Criminal Procedure Code recognizes three extraordinary remedies – repeal of a valid resolution in preliminary proceedings by the Prosecutor General (§363 and the Criminal Procedure Code), appellate (§368 and the Criminal Procedure Code) and a motion to re-open the proceedings (§393 and the Criminal Procedure Code).The Criminal Procedure Code specifies in an exact way by whom and under what conditions the mentioned remedies may be filed.

3. The Constitutional Court of the Slovak Republic

69. Based on article 127 of the Constitution, the Constitutional Court of the Slovak Republic (hereinafter "Constitutional Court") decides on complaints of natural persons or legal entities when they object to infringement of their fundamental rights or freedoms, or human rights and fundamental freedoms resulting from an international treaty ratified by

[28] §16 of the Criminal Procedure Code.

[29] §214 to §234 of the Criminal Procedure Code.

the Slovak Republic and promulgated in the manner laid down by a law, unless another court shall decide on the protection of these rights and freedoms.

70. If the Constitutional Court agrees with the complaint then its ruling determining a violation of the rights or freedoms mentioned above by final decision, measure or other intervention sets aside such decision, measure or other intervention. When the violation of rights or freedoms was caused by inactivity, the Constitutional Court may order the one violating these rights or freedoms to act in the case. The Constitutional Court may also return for additional proceedings, prohibit continuing to violate fundamental rights and freedoms resulting from an international treaty ratified by the Slovak Republic and promulgated in the manner provided for by the law or, when possible, order that the one violating the rights or freedoms restore the pre-violation state. The Constitutional Court grants the one whose rights were violated adequate compensation with its decision satisfying the complaint.[30] No appeal can be lodged against a decision made by the Constitutional Court.[31]

71. A constitutional complaint is not admissible when the applicant has failed to exhaust ordinary remedies granted by the law to protect their interests. However, the Constitutional Court will not refuse to accept a constitutional complaint when the requirement of having exhausted all remedies fails to be met in cases where the significance of the complaint goes beyond the applicant's personal interest.[32] When the Constitutional Court satisfies the complaint it will specify in its findings which fundamental right or freedom and which provision of the Constitution or constitutional law was violated and what conduct resulted in this violation, and it will set aside the challenged decision. When the Constitutional Court sets aside the decision then the body that decided in the case at first instance has the obligation to hear the case again and to decide. In these proceedings the court is bound by the legal opinion of the Constitutional Court. Act No. 38/1993 Coll. on the organization of the Constitutional Court of the Slovak Republic, proceedings held before it and on the status of its judges, as amended, regulates proceedings before the Constitutional Court.

72. In cases of human rights and fundamental freedoms violations when all domestic remedies have been exhausted, there is also the possibility to lodge an application either with the United Nations treaty bodies (Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee against Torture, Committee on the Elimination of Discrimination against Women) or with the European Court of Human Rights within six months from the final decision provided all domestic remedies were exhausted.

[30] Art. 127, paras. 2-3, of the Constitution.

[31] Art. 133 of the Constitution.

[32] §53, para. 1-2, of Act No. 38/1993 Coll. on the organization of the Constitutional Court of the Slovak Republic.

4. The Ombudsman

73. In the meaning of article 151, paragraph 1, of the Constitution, the Ombudsman[33] is an independent body which participates in the protection of the fundamental rights and freedoms of natural persons and legal persons with regard to the proceedings, decision-making, actions or omissions of public administration bodies when those proceedings, decision-making, actions or omissions are inconsistent with the legal system or with the principles of a democratic State and the rule of law, to the extent and in manner laid down by law.

74. Within the meaning of §3 of Act No. 564/2001 Coll. on the Ombudsman (hereinafter the "Ombudsman Act"), the Ombudsman's jurisdiction applies to the bodies of State administration, territorial self-government and legal entities and natural persons who decide on the rights and duties of natural persons and legal entities in the field of public administration. The law also specifies which bodies do not fall under the scope of the Ombudsman.

75. Anyone believing that their fundamental rights and freedoms were violated in contradiction to the legal system or the principles of a democratic State and the rule of law in the proceedings, decision-making, actions or omissions of public administration bodies can seek relief from the Ombudsman. Natural persons may use their mother tongue in communications with the Ombudsman while the costs of interpreting are borne by the State. Under §13, paragraph 1, of the Ombudsman Act, the Ombudsman acts upon a petition by a natural person or legal entity or their own initiative. The petition must be clear as to the issue concerned and the result sought by the petitioner. The Ombudsman reviews the petition. When the Ombudsman determines that the content of the petition makes it a remedy under regulations on proceedings in administrative or judicial matters, or a complaint or remedy in administrative justice or a constitutional complaint, they will immediately inform the petitioner of this finding and will instruct them of the proper procedure. When the Ombudsman determines that a person is unlawfully being held in a place where detention, a sentence of deprivation of liberty, disciplinary sentences of soldiers, protective medical treatment, protective education, institutional treatment or institutional upbringing are served or in a police cell, they will immediately inform the competent prosecutor as a petition to proceed in accordance with a special law and shall also inform the administrators of the place and the person concerned.

[33] Any citizen of the Slovak Republic who is at least 35 years old on the day of the elections, has full legal capacity, is a person of integrity, has an education, has the capabilities, experience and moral stature guaranteeing that he/she will perform the functions of Ombudsman duly, who is not a member of a political party or political movement, has permanent residence in the territory of the Slovak Republic and agrees to be elected Ombudsman can be elected Ombudsman. The Ombudsman is elected by the Parliament from among candidates proposed by at least 15 Members of Parliament for a term of five years. The same person may be elected Ombudsman for not more than two consecutive terms of office. Holding the office of Ombudsman is incompatible with holding the office of President, Member of Parliament, member of the Government, president of a central body of State administration, President or Vice-President of the Supreme Audit Office, judge of the Constitutional Court, judge, prosecutor, officer of the Slovak Intelligence Service, officer of the Police Force and other armed forces and an office in a public administration body. While holding the office the Ombudsman must not perform any other paid office, pursue business activities or perform other gainful activity with the exception of the administration of their own property or the property of their minor children or scientific, educational, literary and artistic activities provided such activity does not disturb the performance of the office and the dignity of the office and is of no risk to the confidence in the Ombudsman's impartiality and independence.

76. When the petition concerns reviewing a final decision by a public administration body or when the Ombudsman concludes that a decision by the public administration body is in contradiction with the law or other generally binding regulation, they will transfer the case to the competent prosecutor for handling, or they will take other measures while informing the petitioner. The same may also be done with a petition that includes proposals of measures that fall under the scope of the Prosecution Authority. The prosecutor has the obligation to inform the Ombudsman of the measures taken to correct unlawfulness, with legally prescribed time limits.

77. The Ombudsman will file the petition when the matter concerned does not fall under their competence or when prescribed elements were not furnished or made more accurate within the given time limit. The Ombudsman may also file the petition when they learn that the matter concerned is being heard by a court and there are no delays in proceedings or when a court has already decided in the matter, or when the person withdraws their petition or announces that they do not wish to proceed with further investigation, or if the petition in the matter is addressed or being decided by an appropriate public administration body not falling under the Ombudsman's authority, or an appropriate public administration body not falling under the Ombudsman's authority has already decided on the matter. The Ombudsman may file a petition if more than three years have elapsed from submission of the petition or when the petition is manifestly unfounded, anonymous, or it is a petition concerning a case already handled by the Ombudsman and the new petition presents no additional facts.

78. When the Ombudsman does not follow the procedure given in points 76-78, they will inform the petitioner of having accepted the petition. When the findings concerning the petition fail to prove any violation of fundamental rights and freedoms, the Ombudsman will inform the petitioner and the public administration body of the challenged procedure, decision, action or omission in writing about the result.

79. When the findings concerning the petition prove a violation of fundamental rights and freedoms, the Ombudsman will inform the petitioner and the public administration body of the challenged procedure, decision, action or omission in writing about the result, together with a proposal of measures to be taken. The public administration body has the obligation to inform the Ombudsman of its position as to the results of the petition's handling and of measures adopted, within 20 days from the delivery of the proposal of measures. When the Ombudsman does not agree with the position of the public administration body or when they consider the adopted measures insufficient, they will inform the body superior to the challenged public administration body or, where there is no such body, the Government of the Slovak Republic. The details of the procedure for handling petitions filed by natural persons and legal entities are regulated by Act No. 564/2001 Coll. on the Ombudsman.

80. While exercising their functions, the Ombudsman cooperates with the competent bodies of public administration, the prosecution authority, foundations, civic associations, professional organizations, civic initiatives and other entities active in the field of the protection of fundamental rights and freedoms.

E. The right to compensation of damage

81. Under article 46, paragraph 3, of the Constitution, everyone has the right to compensation of damage caused by an unlawful decision of a court, other public authority, or body of public administration, or by improper official procedures. The issue of compensation is regulated by a special legal provision, namely Act No. 514/2003 on liability for damage caused by a decision of a State authority as amended (hereinafter "Act on liability for damage").

82. Under the conditions stipulated in the Act on damage, the State is responsible for damage caused by bodies of public power due to an unlawful decision, unlawful arrest, unlawful detention or any other violation of personal liberty, a decision on punishment, a protective measure or decision on detention, or incorrect official procedures.[34]

83. The provisions of the Criminal Procedure Code offer several means of ensuring that detention is not ordered or prolonged without grounds. If this were exceptionally to happen, the person undergoing such detention has the right to damages.

84. When the damage was caused by a crime, §43 et seq. of the Criminal Procedure Code provides that the person (a person who incurred damage to health, property, moral or other damage, or their legally protected rights and freedoms were violated or threatened) is entitled to claim compensation for damage caused by the crime from the perpetrator and they also have the right to file a motion that the court impose the obligation to compensate the damage in its judgement. This motion cannot be filed when an entitlement has already been decided in civil or other appropriate proceedings.

85. Under the Civil Code, a person who has suffered unjustified interference with the right to have one's person protected can claim before a court to have the consequences of such interference removed and to be given adequate satisfaction. If the satisfaction is deemed not to be sufficient, especially with respect to substantial detriment to the dignity of a natural person or their status in society, the victim (natural person) also has the right to financial compensation for non-proprietary damage. The court will determine the amount of damages, taking into account the seriousness of the damage suffered and the circumstances under which the right was violated.

F. Advisory bodies of the Government of the Slovak Republic for human rights

1. The National Council Committee for Human Rights, National Minorities and Gender Equality

86. The National Council Committee for Human Rights, National Minorities and Gender Equality (hereinafter "Committee") is a permanent specialist, advisory, coordinating and consulting body of the Government in the field of the protection of human rights and freedoms, political and civil rights, the rights of persons belonging to national minorities and ethnic groups, economic, social and cultural rights, the rights for the protection of the environment and cultural heritage, the rights of children and enforcing the best interests of the child, the rights of persons with a health disability and the rights of the elderly, when enforcing the principle of equal treatment, equality of opportunity and gender equality. The Government Committee consists of representatives from State administration, non-governmental organizations (NGOs) and academia.

87. The Committee makes statements related to the fulfilment of the international obligations of the Slovak Republic in the protection of human rights, mainly obligations arising from international treaties including related optional protocols ratified by the Slovak Republic and treaties on human rights and fundamental freedoms to which the Slovak Republic is a party. They debate on proposals for enforcing international treaties ratified by the Slovak Republic and human rights treaties to which the Slovak Republic is a party. The Committee also submits motions to the Government related to strategies and concepts in the area of human rights, as well as motions for improving the enforcement of human rights.

[34] §3 of the Act No. 514/2003 Coll. on liability for damage.

88. The Committee Chairman is the Deputy Prime Minister and the Minister of Foreign and European Affairs of the Slovak Republic. The Committee consists of the following permanent councils: the Council for National Minorities and Ethnic groups, the Council for Persons with Disabilities, the Council for Gender Equality, the Council for Children and Youth, the Council for Research, Education and Training in the Field of Human Rights, the Committee for the Prevention and Elimination of Racism, Xenophobia, Anti-Semitism and Other Forms of Intolerance and the Council for the Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People.

2. Plenipotentiary of the Government of the Slovak Republic for National Minorities

89. The Plenipotentiary of the Government of the Slovak Republic for National Minorities or a person authorized to carry out the tasks of the Plenipotentiary of the Government of the Slovak Republic for National Minorities (hereinafter "Plenipotentiary"), is a Government advisory body which fulfils tasks in the area of the maintaining, developing and supporting the rights of members of national members and implements system measures to improve the position of national minorities. The Plenipotentiary is nominated and removed by the Government upon a proposal of the Prime Minister of the Slovak Republic.

90. Within the scope of its activities, the Plenipotentiary mainly monitors, analyses and evaluates enforcement of the rights of members of national minorities by State administration bodies, bodies of territorial self-government and other appropriate subjects, and reports annually to the Government on the position and rights of national minority members.

91. The Plenipotentiary also contributes to the creation of reports on adhering to international treaties to which the Slovak Republic is bound in the field of the position and rights of national minority members, prepares statements and drafts for legislative and non-legislative measures related to the position and rights of national minority members, cooperates with State administration bodies in the enforcement of public policy pertaining to the position and rights of national minority members, cooperates with bodies of territorial self-government and other appropriate subjects in the enforcement of public policy pertaining to the position and rights of national minority members upon request and cooperates with international organizations in the field of the rights of national minority members.

92. Within the scope of its activities, the Plenipotentiary manages the subsidy system of the Government Office of the Slovak Republic in the field of distributing financial means for the promotion and of the maintenance and development of the identity and culture of national minorities and is the Chairman of the Council for National Minorities and Ethnic Groups (hereinafter "Council"). The Council is a permanent advisory body of the Committee for issues related to national minorities and ethnic groups and their members, and for the implementation of the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities. It also fulfils the function of a consultative body in matters related to the participation of members of national minorities and ethnic groups in addressing matters related to national minorities and ethnic groups. The Office of the Plenipotentiary is organizationally included in the organizational structure of the Government Office of the Slovak Republic.

3. Plenipotentiary of the Government of the Slovak Republic for Roma communities

93. The Plenipotentiary is an advisory body of the Government of the Slovak Republic. As an Government advisory body for Roma community issues in the Slovak Republic, it fulfils tasks focusing upon resolving matters related to Roma communities and implements systemic measures for improving their position and their integration into society, mainly in

the field of the creation, implementation and coordination of more effective policy, and the implementation of systemic measures focusing upon preventing the social segregation of Roma communities and supporting their integration into society. The Plenipotentiary establishes the Interministerial Commission for Roma Community Affairs, is its Chairman, calls and manages Commission meetings and is responsible to the Government for its activities.

94. Within the scope of its activities, the Plenipotentiary drafts and implements measures in cooperation with central State administration bodies, local State administration bodies, territorial self-government bodies and NGOs, prepares documents and statements for Government sessions, consults on the Office's activities with the Prime Minister and the Minister of Interior, and coordinates the Office's activities with the activities of other ministerial departments and other central State administration bodies. In cooperation with involved institutions and appropriate bodies, the Plenipotentiary prepares, submits, coordinates, monitors and evaluates programmes focused upon improving the position of Roma community members, organizes meetings of involved bodies and institutions and after agreement with them, drafts appropriate measures and conclusions, and makes statements related to the concepts prepared by State administration bodies, territorial self-government bodies and other involved institutions related to addressing Roma community matters. It proposes the use and comments upon the use of State budget funds and the means of aid and support provided from European Union funds designated for resolving Roma community issues.

95. In order to carry out the activities of a Plenipotentiary, the Ministry of Interior of the Slovak Republic established an office headed by the Plenipotentiary. The Plenipotentiary participates in the creation, implementation and coordination of Government and European Union policies, including coordinating the use of European Union aid, in improving the position of Roma communities, mainly in the integration of Roma into society within the context of Europe 2020 strategy. Within the given scope, they have a duty to inform European Union bodies and other international organizations. The Plenipotentiary manages, directs and controls the Office's activities. The Office's internal organizational structure, functions, activities and authority are stated in the Office's organizational regulations issued by the Minister following a draft by the Plenipotentiary. Expenses related to the Plenipotentiary's tasks are met from the State budget. A draft budget for carrying out the Plenipotentiary's tasks and for the Office is submitted as part of the budgetary chapter of the Ministry of Interior of the Slovak Republic.

IV. Publishing texts of international treaties on human rights and fundamental freedoms

96. The Constitution of the Slovak Republic, constitutional laws, other laws of the National Council of the Slovak Republic, regulations of the Government of the Slovak Republic, and decrees, ordinances and orders of ministries and central bodies of State administration of the Slovak Republic, other bodies of State administration when so provided in a special law, the National Bank of Slovakia, decisions of the Constitutional Court of the Slovak Republic on non-conformity between legal provisions, adopted in a referendum under article 98, paragraph 2, of the Constitution of the Slovak Republic and international treaties are published in the Collection of Laws of the Slovak Republic.[35]

[35] §1 of Act No. 1/1993 Coll. on the Collection of Laws of the Slovak Republic as amended

97. In 1994 the Slovak National Human Rights Centre was established under Act No. 308/1993 Coll. on the Establishment of the Slovak National Human Rights Centre. The main mission of the Centre is to support the development of an effective human rights protection system in Slovakia. The Centre develops, inter alia, documentation, information and monitoring activities.

98. The website of the Ministry of Foreign and European Affairs of the Slovak Republic includes the texts of all implementation reports of the Slovak Republic related to international treaties on human rights and fundamental freedoms of the United Nations organization, a list of members of the expert councils of the United Nations organization, a list of websites providing information addressing issues on the protection of human rights and a list of international treaties on human rights and fundamental freedoms to which the Slovak Republic is party.

99. Under Act No. 211/2000 Coll. on free access to information and on the amendment of some laws, natural persons and legal entities have the right of access to information available to State authorities and municipalities. Information is made available without the need to prove a legal or any other reason or interest for which the information is required. This law regulates restriction of access to information in special cases. Within the meaning of this law, citizens of the Slovak Republic may address State authorities with a request also to make information in the area of human rights and fundamental freedoms accessible.